

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KITCHEN WINNERS NY INC.,

*Plaintiff,*

-against-

ROCK FINTEK LLC,

*Defendant.*

Civil Action No. 22-cv-05276-PAE

ROCK FINTEK LLC,

*Counterclaim and Third-  
Party Plaintiff,*

-against-

KITCHEN WINNERS NY INC.,

*Counterclaim Defendant,*

and

ADORAMA INC., HERSHEY WEINER,  
JOSEPH MENDLOWITZ, JNS CAPITAL  
HOLDINGS LLC and JOEL STERN

*Third-Party Defendants.*

**DECLARATION OF PHILLIP RAKHUNOV**

I, Phillip Rakhunov, declare and state as follows:

1. I am a partner at the law firm Pollack Solomon Duffy LLP and counsel of record for Defendant/Counterclaim and Third Party Plaintiff Rock Fintek LLC (“Rock Fintek”), in reference to the above captioned matter. I submit this declaration in connection with Rock

Fintek's Opposition to the motions for summary judgment filed by Adorama Inc., Kitchen Winners NY Inc., Joseph Mendlowitz, JNS Capital Holdings, and Joel Stern.

2. Attached as **Exhibit 1** hereto is a true and correct copy of a screenshot of Adorama's website marked as Exhibit 2 at Joseph Mendlowitz's deposition.

3. Attached as **Exhibit 2** hereto is a true and correct copy of Rock Fintek's Answer and Counterclaim in Florida Case No. 2023-023843-CA-01.

4. Attached as **Exhibit 3** hereto is a true and correct copy of an email and its attachment, bates no. AKW0000650-655.

5. Attached as **Exhibit 4** is a true and correct copy of the text of a WhatsApp chat transcript titled "Mendel Rock Gloves," with certain text highlighted for the Court's convenience.

6. Attached as **Exhibit 5** is a compilation of emails produced in discovery, bates numbers AKW000693, 1598-1600, 1744, 1788-1790, 1794-1796, 1909, 656-662, 647-648, 639-646.

7. Attached as **Exhibit 6** is an email from Bradley Gilling to Thomas Kato produced in discovery, bates numbered RF\_000477-478.

8. Attached as **Exhibit 7** is an affidavit of attempted service on wenzy, inc. and a cover email from the process server.

9. Attached as **Exhibit 8** is the Declaration of Thomas Kato dated March 15, 2024.

10. Attached as **Exhibit 9** is a compilation of Ascension purchase orders for masks and related documents that were produced in discovery.

11. Attached as **Exhibit 10** is a true and correct copy of Hershey Weiner's Deposition transcript from November 15, 2023 (afternoon session).

12. Attached as **Exhibit 11** is a document produced in response to a subpoena from UL LLC and a cover letter from UL LLC regarding the same.

13. Attached as **Exhibit 12** is a true and correct copy of Exhibit 15 from Joseph Mendlowitz's deposition.

14. Attached as **Exhibit 13** is a true and correct copy of Joel Stern's Deposition transcript from October 13, 2023 (day 1).

15. Attached as **Exhibit 14** is a true and correct copy of Joel Stern's Deposition transcript from October 16, 2023 (day 2).

16. Attached as **Exhibit 15** is a true and correct copy of an email produced in discovery, bates numbered AKW\_004957-4959.

17. Attached as **Exhibit 16** is a true and correct copy of an email, bates numbered AKW\_003168-3169.

18. Attached as **Exhibit 17** is a true and correct copy of an email produced in discovery, bates numbered RF\_000443-447.

19. Attached as **Exhibit 18** is a true and correct copy of an email produced in discovery, bates numbered RF\_000831-36.

20. Attached as **Exhibit 19** is a true and correct copy of a CTS Inspection Report that was an attachment in the WhatsApp chat between Ms. Li and Rock Fintek (Exhibit 6 to Declaration of Avi Frisch) titled 00000879-CT41939.

21. Attached as **Exhibit 20** is a true and correct copy of a screenshot of FDA 510k clearance letter that was an attachment in the WhatsApp chat between Ms. Li and Rock Fintek (Exhibit 6 to Declaration of Avi Frisch) titled 00000880-PHOTO.

22. Attached as **Exhibit 21** is a true and correct copy of bills of lading for certain containers of gloves that were attachments in the WhatsApp chat between Ms. Li and Rock Fintek (Exhibit 6 to Declaration of Avi Frisch).

23. Attached as **Exhibit 22** is a true and correct copy of an 8-page packet of materials including a copy of the FDA 510(k) clearance letter that was an attachment in the WhatsApp chat between Ms. Li and Rock Fintek (Exhibit 6 to Declaration of Avi Frisch) titled 00001179-FILE-4268.

24. Attached as **Exhibit 23** is a true and correct copy of the Irrevocable Corporate Purchase Order (“ICPO”), marked as Exhibit 1 at Joel Stern’s deposition.

25. Attached as **Exhibit 24** is a true and correct copy of the deposition transcript of Alan Schwartz dated February 13, 2024.

26. Attached as **Exhibit 25** is an FDA 510(k) clearance letter dated March 9, 2016 that was included as an attachment in the chat titled Mendel Rock Gloves (Exhibit 4 hereto) titled 00000017-K152712.

27. Attached as **Exhibit 26** is a true and correct copy of the Deposition of Bezalel “Tzali” Gombo dated November 2, 2023.

28. Attached as **Exhibit 27** is a true and correct copy of the Expert Report of Jason Poulton, bates stamped JP\_001-092.

29. Attached as **Exhibit 28** is a true and correct copy of the text of a WhatsApp chat titled chat titled “Joel NY Gloves” with relevant text highlighted.

30. Attached as **Exhibit 29** is a true and correct copy of an inspection that was an attachment to the WhatsApp chat titled Joel NY Gloves (Exhibit 28 hereto) titled 00000100-CT04130.

31. Attached as **Exhibit 30** is a true and accurate copy of a document produced in discovery marked as Exhibit JNS-Ascension 5 at the Deposition of Ascension Health on November 13, 2023.

32. Attached as **Exhibit 31** is a compilation of documents produced in discovery bates numbered AKW\_004373, AKW\_004376, AKW\_005044, Adorama INC. and Kitchen Winners NY INC.000076-77.

33. Attached as **Exhibit 32** is a true and correct copy of the transcript of Deposition of Brad Jaeger as the designated nonparty representative of Medline dated November 16, 2023.

34. Attached as **Exhibit 33** is a true and correct copy of a document produced in discovery bates numbered RF\_00001-10.

35. Attached as **Exhibit 34** is a true and correct copy of Exhibit F from the deposition of Medline, bates numbered MEDLINE\_00035-40.

36. Attached as **Exhibit 35** is a true and correct copy of Exhibit 5 from the deposition of Hershey Weiner, bates numbered AKW – 003061-3063.

37. Attached as **Exhibit 36** is a true and correct copy of a document produced in discovery bates numbered AKW002728- AKW002729.

38. Attached as **Exhibit 37** is a true and correct copy of a document produced in discovery bates numbered AKW-003064-003066.

39. Attached as **Exhibit 38** is a true and correct copy of Exhibit 9 from the deposition of Hershey Weiner.

40. Attached as **Exhibit 39** is a true and correct copy of the transcript of Deposition of Michael Mortorano dated November 10, 2023, as the designated nonparty representative of Avrio Logistics.

41. Attached as **Exhibit 40** is a true and correct copy of Exhibit 1 from the deposition of Avrio Logistics.

42. Attached as **Exhibit 41** is a true and correct copy of an email produced in discovery bates numbered RF\_000578 with attachments thereto.

43. Attached as **Exhibit 42** is a true and correct copy of Exhibit 11 from the deposition of Joel Stern.

44. Attached as **Exhibit 43** is a true and correct copy of the Declaration of Ms. Chunrong Li dated March 15, 2024.

45. Attached as **Exhibit 44** is a compilation of Exhibits 20, 22, 23, 24, and 26 from the deposition of Joel Stern.

46. Attached as **Exhibit 45** is a true and correct copy of a compilation of selected JNS Capital Holdings LLC Invoices to Rock Fintek that were produced in discovery.

47. Attached as **Exhibit 46** is a true and correct copy of Exhibit 11 from the deposition of Hershey Weiner.

48. Attached as **Exhibit 47** is a true and correct copy of a document produced in discovery bates numbered RF\_003489.

49. Attached as **Exhibit 48** is a true and correct copy of a Kitchen Winners Invoice to Rock Fintek that was produced in discovery as an attachment to the WhatsApp chat Mendel Rock Gloves titled 000000035-1633.

50. Attached as **Exhibit 49** is a true and correct copy of a document produced in discovery bates numbered AKW-002865 – AKW-002889.

51. Attached as **Exhibit 50** is a true and correct copy of a document produced in discovery bates numbered AKW\_003368-3372.

52. Attached as **Exhibit 51** is a true and correct copy of a compilation of documents produced in discovery reflecting certain container numbers and deliveries of gloves to Rock Fintek.

53. Attached as **Exhibit 52** is a true and correct copy of a compilation of photographs produced in discovery and further described in the Declaration of Thomas Kato (Exhibit 8 hereto).

54. Attached as **Exhibit 53** is a true and correct copy of a compilation of photographs produced in discovery and further described in the Declaration of Thomas Kato (Exhibit 8 hereto).

55. Attached as **Exhibit 54** is a true and correct copy of a document produced in discovery bates numbered AKW\_004537-4544.

56. Attached as **Exhibit 55** is a true and correct copy of a document produced in discovery bates numbered AKW\_004547-4550.

57. Attached as **Exhibit 56** is a true and correct copy of a document produced in discovery bates numbered AKW\_004595.

58. Attached as **Exhibit 57** is a true and correct copy of a document produced in discovery bates numbered AKW\_004580.

59. Attached as **Exhibit 58** is a true and correct copy of a document produced in discovery bates numbered AKW\_004665.


60. Attached as **Exhibit 59** is a true and correct copy of a compilation of photographs produced in discovery and further described in the Declaration of Thomas Kato (Exhibit 8 hereto).

61. Attached as **Exhibit 60** is a true and correct copy of a document produced in discovery bates numbered RF\_004279-81.

62. Attached as **Exhibit 61** is a true and correct copy of Alan Schwartz expert rebuttal report (without exhibits) dated February 1, 2024.

63. Attached as **Exhibit 62** is a true and correct copy of a March 16, 2022 demand letter from Ascension Health Resource and Supply Management Group, LLC.

I DECLARE UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON March 15, 2024:

  
Phillip Rakhunov